

Item No. 17**AGENDA ITEM MEMORADUM****Commissioner**

Department

Chris Vincent

Department Director

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input type="checkbox"/> Feb 28, 2012	Feb 17
<input checked="" type="checkbox"/> Mar 13, 2012	Mar 2
<input type="checkbox"/> Mar 27, 2012	Mar 16
<input type="checkbox"/> April 10, 2012 *	Mar 30
<input type="checkbox"/> April 24, 2012	Apr 13

***Subject to Change**

- | | | | |
|---------------------------------------|---|---------------------------------------|--|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business | <input checked="" type="checkbox"/> New Business |

☐ **FY2012 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC****SUBJECT TITLE: NEW FEDERAL SWIMMING POOL ENTRY REQUIREMENTS****EXPLANATION:**

John Boutin of the Windjammer Resort has brought to our attention the difficulty most hotels and motels in Lauderdale-by-the-Sea will have in complying with Federal government requirements that they install a mechanical lift affixed to the pool deck to facilitate handicapped person's ability to enter swimming pools. John has pointed out that many LBTS hotels have neither the room nor the financial wherewithal to comply with these requirements which take effect on March 15th.

The American Hotel & Lodging Association has filed letters with various individuals in the Justice Department asking them to make a more common sense interpretation of pool and spa entry requirements under the Americans with Disabilities Act (ADA).

John has suggested that local hoteliers and the Town members contact our Congressional representatives to urge that they weigh in on this important issue.

EXPECTED OUTCOME: Town Commission to decide whether to take a position on this issue affecting our hospitality industry.

EXHIBITS: 2/28/2012 email from John Boutin re: swimming pool lift requirement

Reviewed by Town Attorney

☐ Yes ☐ NoTown Manager Initials CV

From: windjammerjohn@gmail.com on behalf of John Boutin
To: [Connie Hoffmann](#)
Cc: [Patty Reynolds](#); [James Fletcher](#); lbts@bellsouth.net
Subject: ADA rules requiring every single public pool, including all lodging establishments, to have pool lifts.
Date: Tuesday, February 28, 2012 3:17:40 PM
Attachments: [Opposition to DOJ Position on Pool Lifts Under the ADA.doc](#)
[DOJ pool lift 120228133701_0001.pdf](#)

Hello all,

I am sending out this email now and yet I am angry with myself for not sending it out sooner, much sooner. It always seems that there are always more important issues and that we will have the time to do them all.

Well here we are on the eve of a hugely disastrous economic hardship that is being legislated upon us stemming from the ADA act and revisions made in 2010. The Department of Justice is taking a hard line on this issue and as it stands, it does not appear that it will be averted.

I have contacted the [American Hotel and Lodging Association](#), the [Florida Hotel and Restaurant Association](#) and Congressman West's local office plus I sent a letter to his DC office.

The bottom line is I was going to have a meeting with any and all lodging people here in Town so we could have an educated speaker come and explain it to us and help us figure out what to do and how to comply plus maybe save some money by power buying. Bulk or power buying probably will not work since this is legislated and so the distributors and mfgs have no incentive to lower costs. I have talked to at least 6 different people and I am still confused as to what will and will not comply.

If any of you are still interested in getting together, I am willing to make that meeting happen, but I will not do so unless we have at least 20 hotels interested. Email me and let me know.

As it stands, any establishment no matter how big or small must have a FIXED lift at EACH of their pools or spas. We at Windjammer have 2 pools so we have to have 2. These lifts must always be there and must always be operational. Each one costs 6 to 10 thousand, plus batteries.

Below you have the email I sent to Congressman West's office as well as 2 attachments for you to understand the seriousness of the issue.

My suggestion is to at minimum, go to this link,
<http://app7.vocusgr.com/WebPublish/Controller.aspx?SiteName=AHLA&Definition=ViewIssue&IssueID=1672>

and send it off to every legislator you can think of.

I have copied our Town Commission and Manager so maybe they can help.

Somebody is going to make a huge amount of money at our expense and even though at this time there will not be anybody checking compliance, once the lawyers get wind of this little cash cow, watch out.

Now you know why I am mad at myself for not alerting you sooner.

Regards,

----- Forwarded message -----

From: **John Boutin** <john@windjammerresort.com>

Date: Tue, Feb 28, 2012 at 2:20 PM

Subject: ADA rules requiring all pools to have pool lifts.

To: kelly.mcvey@mail.house.gov

Hello Kelly,

Attached are a couple of items that will serve for Congressman West to understand the magnitude of this serious financial burden being imposed on small businesses.

We hope that somehow common sense will be brought in to this ruling as it will not be remotely possible for all small inns, motels, B & Bs and small hotels like mine to comply. It will probably make a substantial amount money for lawyers once they get wind of this one.

I please ask that your office be our voice of reason and help in this matter.

The below links are from the American Hotel and Lodging Association website. They are lobbying to get this slowed down and re thought.

<http://www.ahla.com/content.aspx?id=34158&terms=ada+pool+lift>

<http://www.ahla.com/content.aspx?id=34142&terms=ada+pool+lift>

Here is one from the Florida Hotel and Restaurant Association.

<http://www.frla.org/frla-news/item/954-ahala-files-letters-with-doj>

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John Boutin, LCAM, CMCA

Lic. Real Estate Associate

General Manager



Oceanfront relaxation at its best!

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We invite you to view our beautiful oceanfront
backyard through our live streaming beach cam!
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